IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27732 of 2007(B)

PETITIONER:

THACHIRUPADIKKAL ABOOBACKER,
S/O.KUNHALI HAJI, POST CHEROOR,
KANNAMANGALAM PANCHAYATH, TIRURANAGDI TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRIC.M.MOHAMMED IQUABAL

RESPONDENTS:

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1. KANNAMANGALAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
POST KANNAMANGALAM, TIRURANGADI TALUK,
MALAPPURAM DISTRICT.

2. BHARATHI AIRTEL PVT.LTD.,
SAHODARAN AYYPPAN ROAD,
KOCHI.

3. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS CHIEF ENVIRONMENTAL ENGINEER,
MALAPPURAM.

4. MANDOTHIL MOIDEEN, S/O.ENUDHEEN HAJI,
POST CHEROOR, VIA VENGARA, MALAPPURAM DISTRICT.

R3 BY ADV.SRI.M.K.CHANDRAMOHAN DAS, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.27732 OF 2007

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DATED THIS THE 18TH SEPTEMBER, 2007

J U D G M E N T

I do not propose to go into the merits of the matter. The grievance of the petitioner is that the 2nd respondent is going ahead with the construction of a mobile telephone tower in a thickly populated area of the 1st respondent-Panchayat and that too in close proximity to a Balawadi. It is submitted that the construction and energisation of the tower will be injurious to the health of the citizenry of the Panchayat and also to the children attending the Balawadi.

2. Ext.P1 is seen pending before the Secretary of the 1st respondent-Panchayat. The Secretary will take up Ext.P1 immediately, issue notice to the 2nd respondent, hear the petitioner and the 2nd respondent and take a correct and just decision on Ext.P1 at the earliest and at any rate within three weeks of the petitioner placing a copy of this judgment before the Secretary. The petitioner is also directed to serve a photo copy of this judgment by registered post acknowledgment due on the 2nd respondent as soon as he receives copy. It is made clear that the construction of the tower and its

energisation will all be subject to the decision to be taken by the Secretary of the Panchayat on Ext.P1.

The Writ Petition is disposed of as above.

(PIUS C.KURIAKOSE, JUDGE)

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